UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,035	06/11/2001	Toshihiko Munetsugu	P21107	9810

7055	7590	03/02/2005

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EXAMINER
TRAN, QUOC A

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/877,035	MUNETSUGU ET AL.
	Examiner	Art Unit	
	Quoc A. Tran	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _21 October 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _10 and 14-20_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-9 and 11-13_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☒ Certified copies of the priority documents have been received in Application No. _2000-177955 & 2001-159409_.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _4/01, 4&7/03, 11/04_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   This action is responsive to Election/Restrictions with traverse filed 10/21/2001.

2.   Claims 1-20 are currently pending in this application. Applicants elected Group I,

comprising claims 1-9 and 11-13. Claims 1, 5 and 11 are independent claims.

Claim Rejections - 35 USC § 103

3.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for**

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

Claims 1-2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ubillos US005999173A - filed 04/03/1992 (hereinafter '173), in view of Adobe

Premiere 5.0 Classroom in a book – Electronic Book on line at:

URL http://proquest.safaribooksonline.com/1568304676 - Published 06/1998 by

Macmillan Computer Publishing USA - Indianapolis, Indiana, 46290 (hereinafter

Adobe).

    In regard to independent claim 1, *"an analyzing section which receives as its*

input structure description data with a structure of entire media contents that are

continuous visual and audio information or of part of the media contents", as taught by

'173 at col. 5, lines 15-55 (i.e... instructing board 30 to generate displays of the type

shown in FIGS. 2-14...Digital data representing video clips, still image clips, and audio

clips are stored in mass storage device 33. Microprocessor 31 "caches" selected

portions of this data, including frames of data selected for display on monitor 36...The

thumbnail for a video clip is ... such as thumbnail 50 and 52 in FIG. 4.... For an audio

clip, the thumbnail is (in a preferred embodiment) a graph of a corresponding audio

signal waveform, such as thumbnail 56 in FIG. 4...),

"said structure being expressed by a set of time information of each media

segment obtained by dividing the media contents, and which acquires the time

information of the media segment described in the structure description data input

thereto", as taught by '173 at col. 7, line 50 through col. 8, line 10 (i.e...The time ruler

60 represent the time scale for the video program ..... each representing a different time

scale (including, for example, "single frame," "two frames," "one second," and "two

minutes" stations).....The system will also display all frames of the time-compressed clip

in one track of the construction window (with one displayed frame per "one second"

interval along time ruler 60), and will display a version of time ruler 60 scaled for the

selected "one second" time scale (having small tick marks representing frames between

each pair of large tick marks, with the distance between each pair of large tick marks

representing one second....);

"and a converting section that converts the structure description data into

representation description data expressive of representation order", as taught by '173 at

col. 3, lines 25-35 (i.e... preview a video program defined by clips displayed in a desired

sequence along a time ruler of a construction window by retrieving the clips from memory, processing the retrieved clips (for example, in accordance with special effects transitions defined by transition icons displayed along the time ruler), and sequentially displaying the processed clips as a preview in a separate video window... cache (in random access cache memory) all frames retrieved in response to a command to update a displayed window or to preview a program defined by clips displayed in a desired sequence along a time ruler of a construction window),

'173 does not explicitly teach, "*representation timing and synchronization information of the media segment, using the time information of the analyzed media segment, to output*", however as taught by Adobe at page 4 Lesson 6, pages 3-4 Additional editing techniques (i.e... Viewing the assembled project...Exporting the movie... When the movie is complete, it is opened in the Source view of the Monitors window...), also as taught by Adobe at pages 6-9 Lesson 6. Additional editing techniques (i.e...Linking and unlinking clips... In Premiere, you can link a video clip to an audio clip, which is useful when you want to move previously unlinked tracks together. This is called a *soft link*. ... 4. In the Timeline window, select the soft link tool...(see Figures on pages 7-9)... linked audio portion of Oven.mov moves with the video portion and is moved to the Audio 3 track...desynchronizing linked clips....(see Figures on page 7-9)...);

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Adobe's teaching into '173 to provide a way wherein representation timing and synchronization information of the media segment,

using the time information of the analyzed media segment, to output. One of the ordinary skill in the art would have been motivated to modify this combination to provide a powerful set of tools to help users capturing clips from the original video tapes and digitizing them and helps creating dynamic video or film, whether creating long video programs and motion-picture films or short movies for CD-ROM or the Web, as taught by Adobe at pages 21-24 Introduction (i.e... capture clips from the original video tapes and digitize them yourself, using Premiere.... create dynamic video or film...).

In regard to dependent claim 2, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale.

"wherein the structure description data has a set of alternative data to the media segment..", as taught by '173 at col. 2, lines 60-65 (i.e....optionally also stored audio clips and clips representing still image images or text...).

In regard to dependent claim 4, incorporate substantially similar subject matter as cited in claim 1 above, and is similarly rejected along the same rationale.

Claims 3-5, 6-9, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ubillos US005999173A - filed 04/03/1992 (hereinafter '173), in view of Adobe Premiere 5.0 Classroom in a book – Electronic Book on line at: http://proquest.safaribooksonline.com/1568304676 - Published 06/1998 by Macmillan Computer Publishing USA - Indianapolis, Indiana, 46290 (hereinafter

Adobe), **further in view of SMIL 1.0 Specification published 06/15/1998 by W3C**

at: http://www.w3.org/TR/1998/REC-smil-19980615 (hereinafter W3C).

In regard to dependent claim 3, '173 and Adobe do not explicitly teach,

"wherein the representation description data is a SMIL document", however as taught

by W3C at Abstract page 2 (i.e....SMIL allows integrating a set of independent

multimedia objects into a synchronized multimedia presentation...).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified W3C' teaching into '173 and Adobe's teaching to

provide a way wherein the representation description data is a SMIL document. One of

the ordinary skill in the art would have been motivated to modify this combination to

provide a powerful set of tools to help users capturing clips from the original video tapes

and digitizing them and helps creating dynamic video or film, whether creating long

video programs and motion-picture films or short movies for CD-ROM or the Web, as

taught by Adobe at pages 21-24 Introduction (i.e... capture clips from the original video

tapes and digitize them yourself, using Premiere.... create dynamic video or film...).

In regard to independent claim 5, *"selecting section which receives as its*

inputs structure description data with a structure of media contents that are continuous

visual and audio information", as taught by '173 at col. 5, lines 15-55 (i.e...selected

portions of this data, including frames of data selected for display on monitor 36...The

thumbnail for a video clip is ... such as thumbnail 50 and 52 in FIG. 4.... For an audio

clip, the thumbnail is (in a preferred embodiment) a graph of a corresponding audio

signal waveform, such as thumbnail 56 in FIG. 4...),

"*said structure being expressed by a set of each media segment obtained by dividing the media contents, with time information of the media segment*", as taught by '173 at col. 7, line 50 through col. 8, line 10 (i.e...The time ruler 60 represent the time scale for the video program ..... each representing a different time scale (including, for example, "single frame," "two frames," "one second," and "two minutes" stations).....The system will also display all frames of the time-compressed clip in one track of the construction window (with one displayed frame per "one second" interval along time ruler 60), and will display a version of time ruler 60 scaled for the selected "one second" time scale (having small tick marks representing frames between each pair of large tick marks, with the distance between each pair of large tick marks representing one second....),

"*and a converting section that converts the media segment selected in said selecting section into representation description data expressive of representation order*", as taught by '173 at col. 3, lines 25-35 (i.e... preview a video program defined by clips displayed in a desired sequence along a time ruler of a construction window by retrieving the clips from memory, processing the retrieved clips (for example, in accordance with special effects transitions defined by transition icons displayed along the time ruler), and sequentially displaying the processed clips as a preview in a separate video window... cache (in random access cache memory) all frames retrieved in response to a command to update a displayed window or to preview a program defined by clips displayed in a desired sequence along a time ruler of a construction window);

'173 does not explicitly teach, "*in which image information and audio information are synchronized... representation timing and synchronization information of the media segment selected, to output*", however as taught by Adobe at pages 6-9 Lesson 6. Additional editing techniques (i.e...Linking and unlinking clips... In Premiere, you can link a video clip to an audio clip, which is useful when you want to move previously unlinked tracks together. This is called a *soft link.* ... 4. In the Timeline window, select the soft link tool...(see Figures on pages 7-9)... linked audio portion of Oven.mov moves with the video portion and is moved to the Audio 3 track...desynchronizing linked clips....(see Figures on page 7-9)...); also as taught by Adobe at pages 6-9 Lesson 6. Additional editing techniques (i.e...Linking and unlinking clips... In Premiere, you can link a video clip to an audio clip, which is useful when you want to move previously unlinked tracks together. This is called a *soft link.* ... 4. In the Timeline window, select the soft link tool...(see Figures on pages 7-9)... linked audio portion of Oven.mov moves with the video portion and is moved to the Audio 3 track...desynchronizing linked clips....(see Figures on page 7-9)...);

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Adobe's teaching into '173 to provide a way wherein image information and audio information are synchronized... representation timing and synchronization information of the media segment selected, to output. One of the ordinary skill in the art would have been motivated to modify this combination to provide a powerful set of tools to help users capturing clips from the original video tapes and digitizing them and helps creating dynamic video or film, whether creating long

video programs and motion-picture films or short movies for CD-ROM or the Web, as taught by Adobe at pages 21-24 Introduction (i.e... capture clips from the original video tapes and digitize them yourself, using Premiere.... create dynamic video or film...);

'173 and Adobe do not explicitly teach, "*and with a score based on a context content of the media segment ...and a selection condition for selecting a predetermined media segment from the structure description data, and which selects only the media segment with the score meeting the selection condition from the structure description data input thereto*", however as taught by W3C at pages 28-29, Examples (i.e...

Choosing between content with different bitrate......

```
<par>
 <text .../>
 <switch>
   <par system-bitrate="40000">
```

...Choosing between audio resources with different bitrate

```
<switch>
   <audio src="joe-audio-better-quality" system-bitrate="16000" />
   <audio src="joe-audio" system-bitrate="8000" />
</switch>
```

.....Choosing between audio resources in different languages.... Choosing between content written for different screens....). Examiner reads SMIL standards: a definition of its semantics, which could interpreted as claimed.

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified W3C' teaching into '173 and Adobe's teaching to

provide a way wherein a score based on a context content of the media segment ...and

a selection condition for selecting a predetermined media segment from the structure

description data, and which selects only the media segment with the score meeting the

selection condition from the structure description data input thereto. One of the ordinary

skill in the art would have been motivated to modify this combination to provide a

powerful set of tools to help users capturing clips from the original video tapes and

digitizing them and helps creating dynamic video or film, whether creating long video

programs and motion-picture films or short movies for CD-ROM or the Web, as taught

by Adobe at pages 21-24 Introduction (i.e... capture clips from the original video tapes

and digitize them yourself, using Premiere.... create dynamic video or film...).

In regard to dependent claim 6, incorporate substantially similar subject matter

as cited in claim 5 above, and further view of the following, and is similarly rejected

along the same rationale.

"wherein the structure description data has a set of alternative data to the media

segment..", as taught by '173 at col. 2, lines 60-65 (i.e....optionally also stored audio

clips and clips representing still image images or text...).

In regard to dependent claim 7, '173 and Adobe do not explicitly teach,

"wherein the score is indicative of an importance degree of a corresponding media

segment based on the context content of the media content", however as taught by

W3C at pages 28-29, Examples (i.e...

Choosing between content with different bitrate......

```
<par>

  <text .../>

  <switch>

    <par system-bitrate="40000">
```

...Choosing between audio resources with different bitrate

```
<switch>

    <audio src="joe-audio-better-quality" system-bitrate="16000" />

    <audio src="joe-audio" system-bitrate="8000" />

</switch>
```

.....Choosing between audio resources in different languages.... Choosing between

content written for different screens....). Examiner reads SMIL standards: a definition of

its semantics, which could interpreted as claimed.

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified W3C' teaching into '173 and Adobe's teaching to

provide a way wherein the score is indicative of an importance degree of corresponding

media segment based on the context content of the media content. One of the ordinary

skill in the art would have been motivated to modify this combination to provide a

powerful set of tools to help users capturing clips from the original video tapes and

digitizing them and helps creating dynamic video or film, whether creating long video

programs and motion-picture films or short movies for CD-ROM or the Web, as taught

by Adobe at pages 21-24 Introduction (i.e... capture clips from the original video tapes

and digitize them yourself, using Premiere.... create dynamic video or film...).

In regard to dependent claim 8, '173 and Adobe do not explicitly teach,

"wherein the media segment is assigned a viewpoint represented by a keyword, and

the score is indicative of an importance degree based on the viewpoint", however as

taught by W3C, at pages 12-13, section 4.2 Synchronization Elements (i.e...Event-

value.... event is generated when a clock associated with an element reaches a

particular value. This clock starts at 0 at the element's effective begin. For "par" and

"seq" elements, the clock gives the presentation time elapsed since the effective begin

of the element. For media object elements, the semantics are implementation-

dependent. The clock may either give presentation time elapsed since the effective

begin, or it may give the media time of the object....element-event value ...An *element*

event value specifies a particular event in a synchronization element.

An element event has the following syntax:

      Element-event ::= "id(" Event-source ")(" Event ")"

      Event-source   ::= Id-value

      Event   ::= "begin" | Clock-val | "end".

Examiner reads, Element-event ::= "id(" Event-source ")(" Event ")", which could

interfreted as claims "...*mediasegment is assigned a viewpoint represented by a*

keyword...".

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified W3C' teaching into '173 and Adobe's teaching to

provide a way wherein the media segment is assigned a viewpoint represented by a

keyword, and the score is indicative of an importance degree based on the viewpoint.

One of the ordinary skill in the art would have been motivated to modify this combination

to provide a powerful set of tools to help users capturing clips from the original video

tapes and digitizing them and helps creating dynamic video or film, whether creating

long video programs and motion-picture films or short movies for CD-ROM or the Web,

as taught by Adobe at pages 21-24 Introduction (i.e... capture clips from the original

video tapes and digitize them yourself, using Premiere.... create dynamic video or

film...).

In regard to dependent claim 9, "*wherein said selecting section selects either*

the media segment or the alternative data to represent in representing the media

segment expressed in the structure description data", as taught by '173 at col. 3, lines

1-5 (i.e.... select a new "in" point, "out" point, or both, for a displayed clip (in the edited

video program) in response to the positioning of a cursor at an edge of the displayed

clip and manipulation of an input device to "drag" the edge along the time ruler...).

In regard to independent claim 11, incorporate substantially similar subject

matter as cited in claim 5 above, and is similarly rejected along the same rationale.

In regard to dependent claim 12-13, is directed to a system for performing the

method of claim 11, and further view of the following, and is similarly rejected under the

same rationale;

"*a server client...*", however as taught by W3C at page 19 Section 4.2.3 Media

Object Elements, 4th paragraph (i.e.... player ...communicated by a server ...),

"*a network...*", however as taught by W3C at page 26 Section 4.4 Test Attributes,

3rd paragraph (i.e.... a choice based on the users connection to the network...).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified W3C' teaching into '173 and Adobe's teaching to

provide a way wherein the method of claim 11 includes server/client communication

through a network. One of the ordinary skill in the art would have been motivated to

modify this combination to provide a powerful set of tools to help users capturing clips

from the original video tapes and digitizing them and helps creating dynamic video or

film, whether creating long video programs and motion-picture films or short movies for

CD-ROM or the Web, as taught by Adobe at pages 21-24 Introduction (i.e... capture

clips from the original video tapes and digitize them yourself, using Premiere.... create

dynamic video or film...).

Response to Argument

4.   Applicant's requested for Election/Restrictions with traverse filed 10/21/2004

have been fully considered but they are not persuasive for the reasons set forth below.

The inventions are distinct, each from the other because of the following reasons:

Inventions I through II are related as criteria of distinctness for combinations

disclosed as usable together in a subcombination or element of combination. The

subcombinations are distinct from each other if they are shown to be separately usable.

In the instant case, invention (I) has separate utility such as synchronization of diverse

media; invention (II) has separately utility such as digital recording or reproducing feature.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, Group II is not required for Group I, restrictions for examination purposes as indicated is proper.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Davis et al.   US005969716A   filed 08/06/1996.

Jain et al.   US006360234B2   filed 08/14/1998.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272-4103. The examiner can normally be reached on Monday through Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SANJIV SHAH
PRIMARY EXAMINER

Quoc A. Tran

Patent Examiner

Technology Center 2176

February 17, 2005